

REMARKS

With this Response, claim 64 is amended. No other claims are added, amended, or canceled. Therefore, claims 1-7, 9-16, 18-33, 39, 40, 64-70, 72-82, 86, 87, 92 and 93 are pending.

ALLOWED SUBJECT MATTER

Applicants kindly acknowledge that claims 1-7, 9-16, 18-33, 39, 40, 86, and 87 were found to be allowable. The subject matter of claims 64-70, 72-82, 92 and 93 is similar to that of the allowed claims, but the former claims were subject to a rejection under 35 U.S.C. § 101, addressed below. Based on the amendment herein and the discussion below, Applicants believe all claims are in condition for allowance.

CLAIM REJECTIONS - 35 U.S.C. § 101

Claims 64-70, 72-82, 92 and 93 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More particularly, the claim 64 is an independent claim, and recites a machine-readable medium that was deemed to read on both statutory and non-statutory embodiments. The remaining claims depend from claim 64 and were rejected for the same reasons as independent claim 64.

Applicants have amended claim 64 herein to recite a "non-transitory machine readable medium...." Applicants submit that in accordance with the January 26, 2010 memo entitled, "Subject Matter Eligibility of Computer Readable Media" by Director Kappos, the claims are directed to patentable subject matter. The interpretation given the claims as amended should be consistent with what is stated in that memo.

Therefore, Applicants submit that the rejection is overcome, and respectfully request that the rejection be withdrawn and the claims allowed.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully request that the rejections be withdrawn. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below

Date: January 18, 2011

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